IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

CRL.A.No. 111 of 2000()

ST.2262/1997 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR DT.10.12.99

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APPELLANT: COMPLAINANT

NADATHARA KURIES & LOANS P LTD.,
REP. BY DEPUTY CHAIRMAN V.J. FRANCIS,
S/O.VADAKANVEETTIL JOSE,
OLLUR VILLAGE, NADATHARA DESOM,
THRISSUR TALUK.

BY ADV. SRI.CHAKKAPPAN KALLIATH
SRI.DAVIS KALLIATH

RESPONDENTS: ACCUSED & STATE

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1. **C.J.DENNY, S/O. JOSE,**
CHIRAYATH HOUSE,
MINOR ROAD, NADATHARA P.O.,
THRISSUR.

2. **STATE OF KERALA,**
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.111 OF 2000

DATED THIS THE 27TH JUNE 2007

JUDGMENT

The appellant is the complainant in S.T.No. 2262/1997 in the file of the Judicial Magistrate of First Class-III, Thrissur. The complaint was filed under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of illness.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on its merits. The appellant shall appear before the court below on 30-7-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO. 111 of 2000

JUDGMENT

27-6-2007

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